

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

BRIAN A. JONES	§	
	§	CIVIL ACTION NO.
	§	
V.	§	JURY DEMANDED
	§	
ALLSTATE INSURANCE	§	NOTICE OF REMOVAL OF
COMPANY	§	ACTION UNDER 28 U.S.C.
	§	§1441(a)

NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

Please take notice that, pursuant to 28 U.S.C. § 1441 and 1446, Allstate Vehicle and Property Insurance Company, incorrectly named as Allstate Insurance Company, Defendant herein and removes to this Court the state court action pending in the 3rd County Court at Law of Bexar County, Texas, invoking this Court's diversity jurisdiction, on the grounds explained below.

1. On August 31, 2017, Plaintiff filed suit in Bexar County against the Defendant. The suit was assigned to the 3rd County Court at Law of Bexar County, Texas, styled Cause No. 2017CV04875; *Brian A. Jones v. Allstate Insurance Company*. Defendant was served/received notice of this suit on September 14, 2017. As required by 28 U.S.C. § 1446(b), this notice of removal is timely filed by the Defendant within thirty (30) days following receipt by Defendant of the initial pleadings.

2. Removal of this action is proper, because this Court has original diversity jurisdiction under 28 U.S.C. § 1332 and the action is one that may be removed by Defendant pursuant to 28 U.S.C. § 1441(b); specifically, this is a civil action wherein the

matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and the Defendant is diverse in citizenship from Plaintiff.

3. There is complete diversity among the parties as required by 28 U.S.C. § 1332(a). Plaintiff is a citizen of Texas. Defendant is not a citizen of the State of Texas. Defendant, Allstate Vehicle and Property Insurance Company, incorrectly named as Allstate Insurance Company, is foreign organization incorporated pursuant to the laws of the State of Illinois and does not have its principal place of business in the State of Texas. The Defendant consents to removal of this case to Federal Court.

4. The amount in controversy exceeds \$75,000.00 as required by 28 U.S.C. § 1332 (a). Plaintiff's Original Petition recites that they are seeking actual damages, statutory damages, loss of income, and attorney's fees for breach of contract and violations of Chapter 541 of the Texas Insurance Code relating to the Defendant's alleged failure to properly adjust the claim for Plaintiff's alleged property damage which purportedly resulted in physical damages to Plaintiff's home. Further, Plaintiff's Petition states Plaintiff is seeking damages in "an amount within the jurisdictional limits of this court." The statutory maximum jurisdictional limit for Texas County Courts is \$100,000.00. Thus, Plaintiff's Petition shows on its face, that Plaintiff's claims are in excess of \$75,000.00. *See* Plaintiff's Petition incorporated herein under Exhibit "A".

5. The Clerk's full record in this case, along with the index, is attached as Exhibit "A". A list of all Counsel of Record is attached as Exhibit "B". Form JS 44, Civil Cover Sheet, and the Supplement to Form JS 44 Civil Cover Sheet, are attached as Exhibit "C".

6. Venue is proper in this district because the district and division embrace the place where the removal action has been pending.

7. Defendant will promptly provide written notice of the filing of this Notice of Removal to all parties and to the clerk of the 3rd County Court at Law of Bexar County, Texas.

8. Defendant respectfully requests that the state court action be removed and placed on this Court's docket for further proceedings. Defendant further requests any additional relief to which it may be justly entitled.

DATE: October 11, 2017.

Respectfully submitted,

/s/ John M. Causey

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that a true and correct copy of the foregoing instrument has been delivered to all interested parties on October 11, 2017, via e-filing addressed to:

Paul Jones
P.O. Box 100897
San Antonio, TX 78201
Pjones442@satx.rr.com

/s/ John M. Causey

John M. Causey